

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK DAVID CHANLEY,

Defendant.

Case No. 2:07-cr-00150-LDG

ORDER

The defendant, Mark David Chanley, has moved to vacate, set aside, or correct sentence by a person in federal custody pursuant to 28 U.S.C. §2255. In addition to filing a lengthy §2255 motion (#234), Chanley filed several documents seeking leave to amend or supplement his motion (## 230, 237, 240). To ensure that the defendant received the fullest opportunity to present his grounds for relief and theories in support of those grounds, the Court granted the defendant's requests to supplement, and ordered the government to respond to the §2255 motion as set forth in the original motion and the supplements. Subsequent to that order, the defendant filed three additional documents (## 243, 244, 245) seeking leave to supplement his §2255 motion. To again ensure that the defendant will receive the fullest opportunity to present his grounds for relief, the Court will grant the

1 defendant's requests to supplement his §2255 motion. Of necessity, the Court will provide
2 the government an opportunity to respond to these additional supplements.

3 Therefore, for good cause shown,

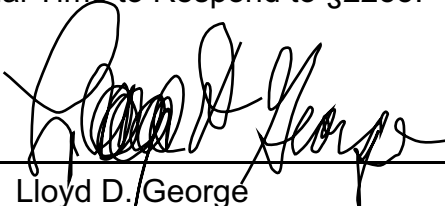
4 THE COURT **ORDERS** that Defendant's Motions for Leave to Supplement (## 243,
5 244, 245) are GRANTED; These documents shall be treated as additional supplements to
6 the Defendant's 28 U.S.C. §2255 motion.

7 THE COURT FURTHER **ORDERS** that the United States may respond to the
8 supplements not later than Friday, May 30, 2014.

9 THE COURT FURTHER **ORDERS** that Defendant's Motions for Hearing (## 255,
10 261) and for Appointment of Counsel (#262) are DENIED. The Court advises the
11 Defendant that the Court will order an evidentiary hearing if such a hearing is warranted,
12 and will make such determination only after reviewing the record and all arguments of the
13 parties, which arguments include those raised in defendant's numerous supplements.
14 Further, if the Court determines such a hearing is warranted, the Court will appoint counsel
15 for the defendant. Accordingly, the defendant need not file a further motion for a hearing or
16 for appointment of counsel.

17 THE COURT FURTHER **ORDERS** that Defendant's Request for Notice of Filing of
18 Filings (#257) is GRANTED as follows: The Court's Docket indicates: (a) the Court received
19 and filed Defendant's Traverse/Rebuttal to the Government's Opposition on May 16, 2013;
20 (b) the Court did not receive a document captioned as Pre-emptive Opposition to
21 Government's Second or Successive Motion for Additional Time to Respond to §2255.

22 DATED this 15 day of May, 2014.

23
24 
25 Lloyd D. George
26 United States District Judge